

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

Garlor Kiki Brown

(In the space above enter the full name(s) of the plaintiff(s).)

- against -

Co Savadogo, Sabatino, John Reilly,
C.E.C., Delaware County
Prison board of inspectors,
David Burns, Henry Slexy,
Chief Lynch, Sgt. Mauck,
Marin Colucci, Sgt. Kroll,
Sgt. Woods, Sgt. Gallagher,
Dana Keith, Keith Hayard,
Beese

(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Part I. Addresses should not be included here.)

FILED

MAR 13 2017

By KATE BARKMAN, Clerk
Dep. Clerk

Case

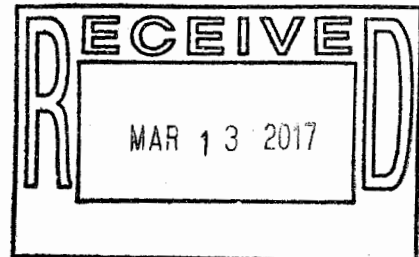
16-4706

Brown v. Savadogo

COMPLAINT

under the
Civil Rights Act, 42 U.S.C. § 1983
(Prisoner Complaint)

Jury Trial: ☒ Yes ☐ No
(check one)



I. Parties in this complaint:

- A. List your name, identification number, and the name and address of your current place of confinement. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff

Name

Garlor Kiki Brown

ID #

15606464

Current Institution

George W. Hill Correctional Facility

Address

P.O. Box 231 Thornton, PA 19273

- B. List all defendants' names, positions, places of employment, and the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant No. 1 Name _____ Shield # _____
Where Currently Employed _____
Address _____

Defendant No. 2 Name _____ Shield # _____
Where Currently Employed _____
Address _____

Defendant No. 3 Name _____ Shield # _____
Where Currently Employed _____
Address _____

Defendant No. 4 Name _____ Shield # _____
Where Currently Employed _____
Address _____

Defendant No. 5 Name _____ Shield # _____
Where Currently Employed _____
Address _____

H. Statement of Claim:

State as briefly as possible the facts of your case. Describe how each of the defendants named in the caption of this complaint is involved in this action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

A. In what institution did the events giving rise to your claim(s) occur? George
W. Hill

B. Where in the institution did the events giving rise to your claim(s) occur? SMU B

C. What date and approximate time did the events giving rise to your claim(s) occur? between
12-20-12 - 3-7-17

Sabatino

D. Facts:

What happened to you?

Who did what?

Was anyone else involved?

Who else saw what happened?

plaintiff is a pre trial inmate bringing claims under 42 USC 1983 1985 & 1986 plaintiff was transferred from George W. Hill on 7/21/16 after a motion to transfer was signed by Judge Cappelli after making Cappelli aware of his allegations against CO Savadogo. plaintiff was then transferred back from cttion on 12/7/17 with no clearance though officials were aware that motion to transfer was still effective. while in segregation in retaliation on officials such as Sgt. Sabatino, Sgt. Woods & Sgt. Gallager assign CO Savadogo on SMU B same block plaintiff is housed on. Savadogo asked plaintiff to drop his claims or he was not to eat. on 12/26/16 plaintiff did eat a tray from Savadogo in which after he suffered a distinct and palpable injury. plaintiff was subject to throwing up stomach pain. on 12/27/16, plaintiff tray was spit in by Savadogo. on 12/29/16, 12/30/16, 1/6/17 & 1/7/17 plaintiff was deprived for his dinner trays by CO Savadogo. on 2/5/17 plaintiff made warden Burns aware as he was doing a walk through on SMU B. plaintiff also asked Burns who signed off on a clearance to bring him back & Burns said "you are prisoner" we do what we want with you" Savadogo violated plaintiff's 8th amendment rights by tampering & depriving him of his trays see *Robles V. Coughline* 725 F.2d 12, 15 (2d cir 1983) see *Lindsey v. O'Connor* 327 F. App. 319 321 (3d cir 2009)

III. Injuries:

If you sustained injuries related to the events alleged above, describe them and state what medical treatment, if any, you required and received.

Broken nose, emotional distress stomach pain

IV. Exhaustion of Administrative Remedies:

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted." Administrative remedies are also known as grievance procedures.

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Smu B is a camera block. An "unusually suggestive" proximity in time between the protected activity and the adverse action may be sufficient, on its own to establish the requisite causal connection for purposes of a retaliation claim. See Robinson v. City of Pittsburgh while seeing consider Plaintiff told Mike that he was being deprived by Savadogo also asking Mike aware he was in segregation Mike told Plaintiff to "Fuck off." Plaintiff told Sgt. Woods that he was being deprived and that he had legal matters going on with Savadogo, Wood asked how was his jaw doing & walked off as he was doing his rounds on Smu B. Plaintiff then wrote Keith Hayard & Beese asking if Savadogo was ever investigated for what took place on 6/26/16 as well making them aware that Plaintiff was facing retaliation and unequal treatment. Plaintiffs then wrote a grievance on Burns & Keith & Beese after getting no response, Plaintiff then made Henry Stexy & Mario Colucci aware after in which on 1-25-17 Plaintiff's cell was buzzed open & Sgt. Mauck walked in & hit Plaintiff in the face around 9:30 am as well as calling him a nigger all because Plaintiff was attempting to make him aware of the treatment he was getting. After which Burns walked on the block short time later with Henry Stexy & Chief Lynch they would not come to cell 101 as Plaintiff was yelling "I just got assaulted," as if they were already aware. Protected activity and an adverse action could establish the temporal proximity required to suggest causation for purposes of a first Amendment retaliation claim see *Morris v. Philadelphia Housing Authority*. If the power of government was brought to bear on a harmless individual merely because a powerful state or local official harbors a malignant animosity toward him, the individual ought to have a remedy in federal courts see *Esmail*. Plaintiff is bringing an equal protection claim against all defendants including Sgt Kroll ^{female} for her actions on 6/26/16. Plaintiff was subject to selective prosecution, where the decision to prosecute is made either in retaliation for the exercise of a constitutional right, officials were singling out a member of a vulnerable group. Plaintiff made aware all the supervisor defendants for the assault that took place on 1-25-17

Plaintiff is bringing a failure to protect claim against all
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defendants. Defendant was deliberately indifferent to prisoner's safety
by ignoring the fact that a state judge had signed off on a motion to
transfer that was written by his lawyer Loran because he was incarcerated
under conditions posing a substantial risk of serious harm. see *Farmer*
v. Brennan, 511 U.S. 825, 833 (1994). Officials deliberate indifference resulted
in harm to Plaintiff see *Bers Capitol v. Whetzel*, 256 F.3d 120, 133 (3d Cir 2001)
C.E.C. is also liable, because C.E.C. & its officials were aware of Plaintiff
being transfer back from C.F.C.F. No Move is made at George W. Hill with
out final policy makers approval such as John Reilly, David Burns,
Henry, Slexy chief Lynch, Mario Colucci. Plaintiff injuries resulted from
actions that were approved by a final policy maker, in which he suffered
a broken nose from the assault on 1-25-17. Defendants were aware
that Plaintiff was getting deprived of his trays but did nothing.
On 1-29-17 Plaintiff tray was spit in front of Sgt. Sabatino by Co
Savadozo after Plaintiff was attempting to let Sgt. Sabatino know
again what was taking place. In which Savadozo said stop switching
up in Plaintiff food. Sgt. Sabatino also stated that Savadozo
was his officer & that he will work what ever unit he is a Sgt at.
On 2/6/17 Plaintiff was deprived again for his dinner tray Sabatino
was aware. On 2/8/17 Plaintiff was deprived again for his tray. While
at Plaintiff's cell door cell 107 around 4:15 Savadozo said "If you don't
drop the lawsuit next time it's going to be my thumb putting up his
thumb in you." Plaintiff called the Prea Hotline on 2/9/17 around
2:30 PM. Lady on the #90 Prea hot line stated she would let her
officials know & that Savadozo should have never been working
the same block. Plaintiff was housed on & that a record of my last
call around 6/6/16 telling them what took place during a
strip search. Chief Lynch came to talk to Plaintiff on 2/10/17 around
11:30 asking Plaintiff if he had called #90 in which he said yes
& Lynch walked away. On 2/10/17 Savadozo was again put on
smu out of retaliation in which Sabatino with Sgt. Savadozo
came to Plaintiff's door calling him a red

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D also stating "I'm fuck you up!" That was the last time Savadogo worked SMU block, Prison officials pulled him off. On 2/14/17 Plaintiff talked to Henry & Burns asking them if they were aware of the assault on 2/25/17 & why was Savadogo ever working SMUB after he had made them aware prior they had no explanation. When Dr. King lead the march on Washington his intentions were to stop or prevent constitutional tort in Pursuant to human rights in which the only language Dr. King stood for was one for change. Plaintiff's phone was then cut off by prison officials after 2/19/17. In which Co Passarella wrote it up on 2/15/17 & gave the write up to Sgt Moondie. Yet nothing has been done. Co Passarella did his job & I am sure Moondie did too. Plaintiff is a pro se inmate attacking C.E.C final policy makers Pursuant to all his claims in which Delaware county prison board of inspectors is also liable & Plaintiff has alleged sufficient facts to state claims under 1983 1995 & 1983, retaliation, equal protection, failure to protect, also final policy makers & municipal parties can not Effect liability, When execution of a government policy custom or action that was approved by policy makers inflicts injury could a government entity be responsible under 42 USC 1983. See Monell v. Department of Social Services. It is clear that Municipal officials are guilty of pattern of abuse that resulted in the violation of Plaintiff's rights. Plaintiff is also challenging his stay in Segregation from 12-7-16 through 3-7-17. Plaintiff should have never been put in administrative segregation solely to Punish him for filing lawsuit. See Clegg v. Tate, 229 F. Supp. 2d (N.D. Ill. 1984) see Thaddeus-X v. Blatter 175 F.3d 379 (6th Cir. 1999) in which was deprived the right to shower & exercise for over three weeks. Plaintiff told Burns around 12-30-16 that he was being deprived showers & exercise & nothing was done by Burns to stop officials. Plaintiff is also a pro se inmate & is claiming inadequate access to the courts. SMUB is the only block in the jail that can't not attend the law library to research. There are no computers on the block. Inmate has to request case laws from Dana Keith in which go's in the console box.

5) Apparently the Counselor shares an office with Mike Moore. Because of custom in which request has to go through the Counselor Plaintiff never gets Case Laws he asks for most of the time, as well as envelopes, paper, pencil, relevant federal statutes, state's & federal law reports that he's intallu to. Nor can plaintiff ask important questions, or make copies of law work. Plaintiff is claiming his limitations are too restrictive & are hurting his cases. See Brown v. Delaware county Prison Board of inspectors 16-cv-02485 See Brown v. Phillips, in which is a violation of his Eighth Amendment rights. It also shows Equal protection in which through custom Prison officers are discriminating against a group for no legitimate reason. Unit 10 is also a close custody block like SMUB & inmates that go to the Law Library two times a week. Inmates on SMUB are subject to discrimination because of their classification. Plaintiff meet with Dana on 2-24-17 in which he showed her proof of being pro se, she stated that with out an order from a judge directly to her that it would not be possible to attend the Law library. Dana is liable as well as Mike Moore & Supervisors such as John reilly, David Burns, Keith hayard, C.E.C. ect.... Apparently Policy or custom is causing a constitutional tort in which municipal parties can be liable.

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

Yes ☒ No ☐

If YES, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

George W. Hill

B. Does the jail, prison or other correctional facility where your claim(s) arose have a grievance procedure?

Yes ☒ No ☐ Do Not Know ☐

C. Does the grievance procedure at the jail, prison or other correctional facility where your claim(s) arose cover some or all of your claim(s)?

Yes ☐ No ☒ Do Not Know ☐

If YES, which claim(s)? _____

D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose?

Yes ☒ No ☐

If NO, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

Yes ☐ No ☒

E. If you did file a grievance, about the events described in this complaint, where did you file the grievance?

While at George W. Hill on June 13

1. Which claim(s) in this complaint did you grieve? all

2. What was the result, if any? no response

3. What steps, if any, did you take to appeal that decision? Describe all efforts to appeal to the highest level of the grievance process. could not

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here: _____

_____ N/A

2. If you did not file a grievance but informed any officials of your claim, state who you informed, when and how, and their response, if any: _____

_____ N/A

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies. _____

_____ N/A

Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.

V. Relief: _____

State what you want the Court to do for you (including the amount of monetary compensation, if any, that you are seeking and the basis for such amount). 50,000 each defendant

Preliminary Injunctive relief in which
 pro se inmates at George W. Hill housed
 on SMU B should not need a direct order
 from a judge to Dana Keith to attend the
 law library. Inmate pro se or not
 housed on SMU B should attend the
 law library TWO to three times a week
 like every other block!

VI. Previous lawsuits:

A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

Yes ____ No ____

N/A

B. If your answer to A is YES, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another sheet of paper, using the same format.)

1. Parties to the previous lawsuit:

Plaintiff

Defendants

N/A

2. Court (if federal court, name the district; if state court, name the county) _____

3. Docket or Index number _____

4. Name of Judge assigned to your case _____

5. Approximate date of filing lawsuit _____

6. Is the case still pending? Yes ____ No ____

If NO, give the approximate date of disposition _____

N/A

7. What was the result of the case? (For example: Was the case dismissed? Was there judgment in your favor? Was the case appealed?)

N/A

- C. Have you filed other lawsuits in state or federal court?

Yes ____ No ____

N/A

- D. If your answer to C is YES, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same format.)

1. Parties to the previous lawsuit:

Plaintiff

Defendants

N/A

2. Court (if federal court, name the district; if state court, name the county)

3. Docket or Index number

4. Name of Judge assigned to your case

N/A

5. Approximate date of filing lawsuit

6. Is the case still pending? Yes ____ No ____

If NO, give the approximate date of disposition

7. What was the result of the case? (For example: Was the case dismissed? Was there judgment in your favor? Was the case appealed?)

N/A

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 5 day of 7, 2017

Signature of Plaintiff



Inmate Number

15006464

Institution Address


George W. 14111

P.O. Box 22A

Thornton PA 19373

Note: All plaintiffs named in the caption of the complaint must date and sign the complaint and provide their inmate numbers and addresses.

I declare under penalty of perjury that on this 3 day of 7, 2017, I am delivering this complaint to prison authorities to be mailed to the Clerk's Office of the United States District Court for the Eastern District of Pennsylvania.

Signature of Plaintiff: 

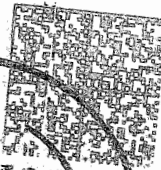
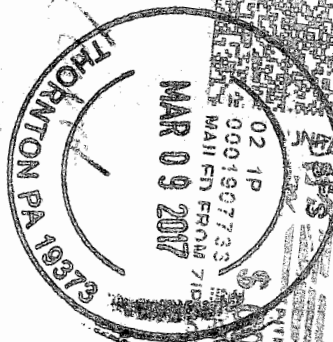
Name: Brown, George W.
Inmate #: 15006464
George W. Hill Correctional Facility
P.O. Box 23
Thurnton, PA 19373

United States District Court
Georgetown, Pa. 19106

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